

MINUTES OF REGULAR MEETING HELD MAY 6, 2014

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday evening, May 6, 2014 at 8:00 p.m.

Acting Mayor Neylan made the following announcements:

“Prior to convening in regular session, there was an agenda session which was open to public and advertised.”

“The adequate notice of this meeting as required by the Open Public Meetings Act, was provided by the posting, mailing and filing of the annual notice of regularly scheduled meetings of the Town Council on December 17, 2013. The notice was, on that date, posted on the bulletin board in the Municipal Building, mailed to THE WESTFIELD LEADER, AND THE STAR LEDGER, and filed with the Clerk of the Town of Westfield.”

PRESENT: Acting Mayor Neylan, Council Members Arena, LoGrippo, Della Fera, Kimmins, Oliveira, Loughlin

ABSENT: Mayor Skibitsky, Councilman Foerst

Invocation was given by Councilman Arena

PRESENTATIONS

APPOINTMENT

ADVERTISED HEARINGS

The Council proceeded to the hearing entitled, “2014 Municipal Budget.”

Advertised returnable this evening.

Acting Mayor Neylan declared the hearing closed.

The Council then proceeded to the hearing entitled, “2014 Downtown Westfield Corporation Budget.”

Advertised returnable this evening.

Acting Mayor Neylan declared the hearing closed.

PENDING BUSINESS

BIDS

MINUTES

On a motion by Councilman Loughlin, seconded by Councilman LoGripico Council approved the Minutes of the Town Council Meeting held April 22, 2014.

On a motion by Councilman Arena, seconded by Councilman LoGripico, Council approved the Minutes of the Conference Session held April 22, 2014.

PETITIONS AND COMMUNICATIONS

OPEN DISCUSSION BY CITIZENS

Greg Kasko of 434 Everson Place spoke about the use of the Mobile Command Center in regard to it being used in Hoboken as part of the Super Bowl activities. He asked about payments made at a cost to taxpayers associated with the police officers who went with the unit. The Police Chief had previously stated that the officers volunteered and Mr. Kasko asserted that none of the officers would volunteer but rather would take that time back on another day and that would cost the Town money in overtime. He hoped the press would do an investigation into the matter and also asked his Councilmen to look into the matter.

John Blake of Carlton Road spoke regarding the proposed changes in the Retail Consumption Liquor Licenses that the Town Council has been publicly considering over the past month and a half. He said the proposed changes could alter the atmosphere of the downtown. He said it cannot be known who will buy the licenses in the future and that previous owners have mostly been owner/operators but chains are starting to come into town and they would not exercise the same level of control over drinking. Mr. Blake said he thought the proposed changes would increase the bar stools by 150% and with increased drinking comes problems with public safety because a DUI arrest keeps an officer off the road for approximately four hours. He said the 50% food rule was not enforceable. He asked how the Town would benefit from the ordinance change. Councilman Della Fera confirmed that the 50% rule was already in place for all of the liquor license holders and he believed it was enforced. He also confirmed that all of the current establishments that hold liquor licenses are restaurants.

James Murray of 405 Harrison Avenue spoke in favor of the proposed Liquor License ordinance changes. He indicated that he thought the laws should be changed to keep pace with the current times.

Jeff O'Connor of 249 Windsor Avenue said that Summit has eight bar/restaurants and that has not caused Summit any problems that he is aware of and they have a smaller population than Westfield. He said that Cranford also has seven bar/restaurants and he hasn't heard of any problems there either.

BILLS AND CLAIMS

Introduced by Councilman Della Fera, seconded by Councilman Arena and adopted with Councilman Loughlin abstaining on Loughlin Law Firm.

RESOLVED that the bills and claims in the amount of \$296,989.13 per the list submitted to the members of this Council by the Chief Financial Officer, and approved for payment by the Town Administrator be, and the same are hereby, approved and that payroll warrants previously issued by the Chief Financial Officer be ratified.

REPORTS OF STANDING COMMITTEES:

Finance Policy Committee

The following resolutions, introduced by Councilman Della Fera, Chairman of the Finance Policy Committee, seconded by Councilman LoGrippe were unanimously adopted.

(102) RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$54.60 to the order of New Jersey Department of Health, P.O. Box 369, Trenton, New Jersey for Dog Licenses issued by the Town Clerk for the month of April 2014.

(103) RESOLVED that the Chief Financial Officer be and hereby is authorized to draw warrant for unused parking permit fee as follows:

Bernard Fitzsimmons 587 Sherwood Parkway Westfield, NJ 07090	Smart Card	#2455	\$10.00
Robert Saunders 241 North Avenue West Westfield, NJ 07090	Lot 8	#14080202	\$424.00

(104) RESOLVED that the Chief Financial Officer be and she hereby is authorized to draw warrants to the order of the following persons, this amount being overpaid in 2012, 2013:

<u>BLOCK/LOT</u>	<u>PROPERTY ADDRESS</u>	<u>YEAR</u>	<u>AMOUNT</u>
703/16.01 GLACKEN, JONATHAN & SVETLANA and CHASE Attn: Refunds Department PO Box 961227 Fort Worth, Texas 76161-0227	342 BRIGHTWOOD AVENUE	2013	\$2,162.05
1002/31 CHARLES, EDGAR D. & ALLISON 610 Prospect Street Westfield, New Jersey 07090	610 PROSPECT STREET	2013	\$91.85
2302/8 WOZNIAK, RONALD F 629 East Broad Street Westfield, New Jersey 07090	629 EAST BROAD STREET	2013	\$950.35
2305/12 MCMANUS, CHRISTINA & DANIEL 618 Arlington Avenue Westfield, New Jersey 07090	618 ARLINGTON AVENUE	2013	\$5,057.24
2502/1.03 SHOBACK, JOSEPH & DIANA 755 St Marks Avenue Westfield, New Jersey 07090	755 ST MARKS AVENUE	2013	\$568.10
3010/21 Community Access Unlimited, Inc. 80 West Grand Street Elizabeth, New Jersey 07202	563 TRINITY PLACE	2012	\$723.87
3410/22 NILLAS, ALPHONSO & DEBORAH 728 Harding Street Westfield, New Jersey 07090	728 HARDING STREET	2013	\$2,967.91
4002/10 HEUSLER, CHRISTOPHER	209 LIVINGSTON STREET	2012	\$49.70

652 Fairfield Circle
Westfield, New Jersey 07090

5107/6 1272 SUMMIT AVENUE 2013 \$6,084.30
GAINES, BRANDT C. & PAIGE W.
1272 Summit Avenue
Westfield, New Jersey 07090

(105) WHEREAS, there exist on the records in the Tax Collector's office sewer fee balances for the year 2013 and 2014:

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector be and she hereby is authorized to cancel the sewer fees below for the year 2014 as the sewer fee was incorrectly billed for various reasons.

<u>Account #</u>	<u>YEAR</u>	<u>Amount</u>
9127-0	2014	\$315.00
9009-0	2014	\$315.00
3741-0	2013	\$170.00
3741-0	2014	\$170.00
729-0	2014	\$170.00
907-0	2014	\$170.00
930-0	2014	\$170.00

(106) WHEREAS, there exist on the records in the Tax Collector's office sewer balances for the year 2013:

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector be and she hereby is authorized to cancel the sewer fee balances below for the year 2013:

<u>Block/Lot</u>	<u>Amount</u>
202/7	\$3.00
703/3	\$4.87
2811/43	\$6.31
4002/4	\$6.11
4002/18	\$6.23
4204/9	\$5.89

(107) RESOLVED, that the Chief Financial Officer be authorized to refund the following fees to the following individuals:

Name	Account	Class	Fee
Dana Philipps 69 James Street Clark, NJ 07066	T05-600-071	Intro to Rock Music Colin & Gavin	150.00
Robin Fitzgerald-Jones 455 Edgewood Ave. Westfield, NJ 07090	Pool Membership	Childcare Refund (Stephanie Karp)	180.00
Matthew Cohen 147 Harrow Road Westfield, NJ 07090	T05-600-071	Golf Clinics/ Sess. 1 (Eli & Andrew)	250.00
Michael Katz 320 Scotch Plains Ave. Westfield, NJ 07090	T05-600-071	Golf Clinics/ Sess. 1 Jesse	125.00

(108) BE IT RESOLVED that as attestation of compliance has been provided pursuant to NJSA 40A:4-8 (1a) and (1b) the 2014 Municipal Budget may be read by title.

The following resolution, introduced by Councilman Della Fera, seconded by Councilman Oliveira was adopted by the following roll call vote with Councilman Loughlin abstaining on the Board of Adjustment line item:

(109) BE IT RESOLVED by the Council of the Town of Westfield, County of Union, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$26,185,518.24 for municipal purposes and certification to the County Board of Taxation of the following summary of general revenues and appropriations:

1. General Revenues

Surplus Anticipated	\$ 906,023.18
Miscellaneous Revenues Anticipated	10,160,386.76
Receipts from Delinquent Taxes	1,420,000.00
Municipal Library	2,417,777.00

2. Amount to be raised by Taxation for Municipal Purposes 26,185,518.24

Total Revenues	41,089,705.18
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3. General Appropriations

Within "CAPS"

Operating including Contingent	26,198,990.00
Deferred Charges	3,305,719.18

Excluded from "CAPS"

Operations	6,970,591.00
Capital Improvements	200,000.00
Municipal Debt Service	2,214,405.00
Reserve for Uncollected Taxes	2,200,000.00

Total General Appropriations	41,089,705.18
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Yeas: Arena	Nays:	Absent: Foerst
LoGrippo		Mayor Skibitsky
Della Fera		
Kimmins		
Oliveira		
Loughlin		
Acting Mayor Neylan		

The following resolution, introduced by Councilman Della Fera, seconded by Councilman Arena was adopted by the following roll call vote:

(110) BE IT RESOLVED by the Town Council of the Town of Westfield, County of Union, that the Special Improvement District Budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations and authorization of the amount of \$409,605.00 for Special Improvement Purposes

Recorded Vote:	Ayes: Neylan, Arena, LoGrippo, Della Fera, Kimmins, Oliveria, Loughlin
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Nays

Abstain

Absent: Skibitsky, Foerst

Public Safety, Transportation and Parking Committee

Code Review & Town Property Committee

The following resolutions, introduced by Councilman LoGrippe, Vice Chairman of the Code Review & Town Property Committee, seconded by Councilman Loughlin were unanimously adopted.

(111) WHEREAS, Michael Mahoney LLC, made an application to the Town of Westfield to demolish a single-family dwelling, located at 5 Faulkner Drive, Block 5110, Lot 7, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling at 5 Faulkner Drive, Block 5110, Lot 7, Westfield, New Jersey.

(112) WHEREAS, KS Property Company LLC, made an application to the Town of Westfield to demolish a single-family dwelling, located at 50 Mohawk Trail, Block 5117, Lot 13, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling at 50 Mohawk Trail, Block 5117, Lot 13 Westfield, New Jersey.

(113) RESOLVED that the following application for Peddlers License be and the same is hereby approved:

Carmen J. Scarpignato
t/a Sub Truck

597 Graceland Place
Westfield, New Jersey 07090

BE IT FURTHER RESOLVED that the licenses shall not be issued by the Town Clerk unless the departmental inspections of the premises have been completed and the premises approved for the licensed use.

Public Works Committee

The following resolution, introduced by Councilman Arena, Chairman of the Public Works Committee, seconded by Councilman LoGrippe was unanimously adopted.

(114) WHEREAS, the Town has identified a need to design and install a generator at the Department of Public Works Complex to provide for power in emergency situations, and

WHEREAS, proposals were received from two entities to provide the professional services necessary to address the aforementioned scope of services, and

WHEREAS, the Town Engineer has reviewed the Proposals and recommends that a professional services contract for the aforementioned services as outlined in the Proposal dated August 16, 2013, be awarded to R&J Control Inc., 58 Harding Avenue, Dover, New Jersey, 07801, and Best Way Electric Co., Inc., a joint venture, and

WHEREAS, Certificate of the Town Treasurer, certifying to the availability of adequate funds for this contract, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds to be charged to S.O. 2180 and S.O. 2185.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Westfield that the aforementioned contract for professional engineering services required for the design and installation of an emergency generator at the Department of Public Works Complex be awarded to R&J Control Inc., 58 Harding Avenue, Dover, New Jersey, 07801, and Best Way Electric Co., Inc., 82 Sterling Avenue, Jersey City, New Jersey, 07305, in an amount not to exceed \$77,145.00.

Reports of Department Heads

Upon motion by Councilman LoGrippe, seconded by Councilman Oliveira the meeting was adjourned at 8:32 p.m.

Claire J. Gray
Town Clerk